

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 2 - 0

Yeas: Hass, Prozanski, Dingfelder

Nays: Atkinson, Boquist

Exc.: 0

Prepared By: Beth Patrino, Administrator

Meeting Dates: 2/4, 2/9, 2/11

WHAT THE MEASURE DOES: Creates Task Force on Waterways consisting of 17 members. Directs State Land Board to designate one of its members to serve on task force; member serves as task force chairperson. Directs task force to study use by public of waterways. Directs task force to submit report summarizing results of study, including recommendations for legislation, to interim legislative committees on or before December 1, 2010. Directs Department of State Lands to provide staff support to task force. Sunsets Act on date of convening of next regular biennial legislative session. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Issues and concerns related to public use of land adjacent to waterways
- Public use of waterways
- Attorney General opinion on public use of waterways
- Currently six petitions for navigability pending with State Land Board
- Whether addressing public use of waterways in state law would reduce requests for navigability studies

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: The Department of State Lands is responsible for managing the submerged and submersible land underlying Oregon's publicly-owned waterways – that is, those waterways that have been determined to be navigable for title purposes. To date, public ownership has only been determined on land underlying certain segments of 12 Oregon waterways: the Chetco, Columbia, Coos, Coquille, John Day, Klamath, McKenzie, Rogue, Sandy, Snake, Umpqua and Willamette rivers. In addition to these waterways, the public also owns much but not all of the submerged and submersible land affected by the rise and fall of tides, and many lakes in Oregon.

Many questions have arisen over the rights of the public to make use of a waterway that has not been determined navigable for title purposes. A 2005 Attorney General opinion addressed these questions. Currently, the public's right to the use of waterways is not addressed in state law.